

Serial No.: 09/716,887
Filed: 20 November 2000

REMARKS

Applicants have canceled Claims 1 to 11 and amended Claims 21 and 29.

The Examiner objected to Claims 11 and 21 for the informality of depending on Claim 10, which was missing from the filed specification. Applicants have canceled Claim 11 making that objection moot. Applicants have amended Claim 21 to depend on Claim 20 as originally intended and as understood by the Examiner for examination purposes.

The Examiner rejected Claims 1-10 under 35 USC 101 as being directed to non-statutory subject matter. Applicants have canceled Claims 1 to 10 as well as dependent Claim 11, making this rejection under Section 101 moot.

The Examiner rejected Claims 1-28 and 30-32 under 35 USC 102(e) as being anticipated by Broerman (US 6,594,633). Broerman was filed on July 7, 1999 and issued on July 15, 2003. Applicants filed a provisional patent application, Serial Number 60/166,554 on November 19, 1999 that this application claims the priority. Applicants had conceived of this invention prior to the filing of Broerman. In fact, Applicants reduced the invention to practice by having created a beta version prototype of the invention with the claimed functionality and satisfactorily demonstrated this beta version to persons then outside the employ of the assignee of this invention prior to filing date of Broerman and less than 1 year before the provisional application of November 19, 1999. Applicants have included declarations by all three inventors under 37 CFR 1.131 to this effect to demonstrate prior invention along with this Amendment as well as copies of some of the program screens from that beta version as an exhibit to those declarations. Applicants also believe it helpful to point out to the Examiner that Broerman does not claim the same patentable invention as Applicants [reference made to avoid 37 CFR 1.131(a)(1)]. Each Broerman claim includes limitations related to the actual offer to purchase real estate. Applicants' claims do not contain any limitations related to the actual sales transaction of real property. Applicants claims are for the showing and coordination of such showing of reality through a data management system. Additionally, since Applicants created and reduced the claimed invention to practice less than 1 year before the provisional patent application, and Broerman was filed less than a year before Applicants' provisional application, statutory bar is not an issue. Applicants respectfully request withdrawal of the rejection of Claims 1-28 and 30-32 under 35 USC 102(e) as being

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anticipated by Broerman due to the proof of prior invention by Applicants as evidenced by the attached declarations under 35 CFR 1.131.

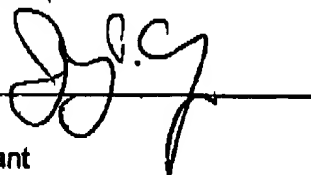
The Examiner rejected Claim 33 under 35 USC 103(a) as being unpatentable over Broerman. Applicants have demonstrated their prior invention over Broerman above and respectfully request withdrawal of this rejection under 35 USC 103(a) for Claim 33.

The Examiner indicated that Claim 29 would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims. Applicants truly believe that the remaining Claims 12-33 have been proved allowable based upon Applicants having demonstrated prior invention over Broerman and that such an amendment to Claim 29 is not necessary. However, since Applicants have canceled independent Claim 1 and Applicants already paid the fee for the extra independent claim, Applicants have amended Claim 29 in independent form and included all the limitations of the base claim and all the intervening claims.

Applicants respectfully believe the application is in a condition for allowance given the amendments that have been made and the showing of prior invention over the Broerman reference. Applicants respectfully request such allowance.

Respectfully submitted,

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CERTIFICATE OF TRANSMISSION UNDER MPEP 612

I hereby certify that this **AMENDMENT** is being facsimile transmitted to the Patent and Trademark Office on or before September 7, 2004 to (703) 872-9306.



Jeffrey P. Calfa